

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO.8:23CR031
)	
Plaintiff,)	UNOPPOSED MOTION TO
)	CONTINUE TRIAL
v.)	
)	
ANDREW KINCAID,)	
)	
Defendant.)	

The Defendant, Andrew Kincaid, by and through undersigned counsel, hereby moves for an order continuing the jury trial and setting this matter for a status conference. Defendant requests that such status conference be set no earlier than October 31, 2023. In support of this request, the Defendant states:

1. This matter is scheduled for jury trial on September 19, 2023.
2. Defendant is in Marshal custody.
3. The parties are still in the process of attempting to resolve this matter short of trial and all parties have been engaging in negotiations in good faith.
4. In addition, counsel suffered a bad fall recently and on August 16, 2023, after obtaining x-rays of her knee she was diagnosed with 3 patella fractures and a high tibia fracture. As a result of such fractures, counsel is currently in a full leg immobilizer and using a walker. It is expected that counsel will be in the device and unable to walk unassisted for approximately 8 weeks. The doctor has also instructed counsel to maintain her leg in an elevated state as much as possible to maximize the chances of successful healing and minimize the need for surgery. This advice puts removal of the assistance devices at or around October 11, 2023. Once the devices

are removed, counsel will need a few weeks of physical therapy.

5. Defense counsel has previously discussed with Defendant his right to speedy trial. He has indicated that he understands his right and knowingly waives such right in order for counsel to continue to be ready for trial or to attempt to resolve this matter short of trial.
6. Assistant U.S. Attorney Lesley Woods has advised counsel that the government has no objections to this continuance.
7. Counsel for Codefendant Thompson, Brent Bloom, advised counsel that he has no objections to this continuance.

WHEREFORE, Defendant requests the Court for a continuance of trial and that this matter be scheduled for a status conference after October 31, 2023.

DATED this 1st day of September, 2023.

ANDREW KINCAID, Defendant,

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